

## **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 remain pending in connection with the present application, and claims 1 and 8 are independent claims.

## **PRIORITY DOCUMENT**

Applicants acknowledge and thank the Examiner for the acknowledgement of priority under 35 U.S.C. § 119, and further thank the Examiner for the acknowledgement of the receipt of all the necessary priority documents in this National Stage application from the International Bureau, as shown in the Office Action Summary dated September 27, 2004.

## **EXAMPLE EMBODIMENTS OF THE PRESENT INVENTION**

Example embodiments of the present invention are directed to a method for the automatic retrieval of engineering data from an automation system. The automation system may include a multiplicity of individual automation objects (e.g., RAO1-RAO4) for the restoration of representatives (e.g., G1, G2, AO1-AO4) in an engineering system, which may further include objects (e.g., RG1, RG2, RAO1-RAO4). In an example embodiment of the present invention, an identifying designation of a type of respective representative (e.g., G1, G2, AO1-AO4) to the engineering system may be supplied via the objects (e.g., RG1, RG2, RAO1-RAO4). The engineering system may create corresponding

representatives (e.g., G1, G2, AO1-AO4) for the designated types and, may enter a reference to the object (e.g., RG1, RG2, RAO1-RAO4) for each of the representatives (e.g., G1, G2, AO1-AO4). Further, each representative (e.g., G1, G2, AO1-AO4) may read out engineering information from the object (e.g., RG1, RG2, RAO1-RAO4).

### ***PRIOR ART REJECTIONS***

Claims 1-25 stand finally rejected under 35 U.S.C. §103 as allegedly being unpatentable over Gloudeman et al. (U.S. Patent No. 6,119,125) in view of Fraley et al. (U.S. Patent No. 6,263,492). This rejection is respectfully traversed.

### ***Response to Examiner's Arguments***

In response to Applicants argument's filed May 24, 2004, the Examiner submits that Gloudeman teaches "a computer-implemented building automation system" based on "standard set objects which the application engineer has available to construct these applications containing standard objects that are grouped according to their primary use at the control layer and information layer", citing col. 4, ll.12-17, col. 1, ll. 40-58, and col. 6, ll. 12-20 (see Office Action dated September 27, 2004).

However, Applicants fail to understand how the above explanation, and cited portions of Gloudeman teach or suggest "creating, via the engineering

system, corresponding representatives for the designated types", as claimed in claim 1.

Col. 1, ll. 40-58 of Gloudeman states:

A computer-implemented building automation system provides a computer software architecture that supports object-oriented system development. An application engineer designs an application to perform a building automation function to solve a problem or customer need in the context of a building automation system. In the object-oriented paradigm, standard objects are the fundamental building block used to construct an application. Based on predetermined physical relationships defined by physical laws associated with building automation functions, the present invention defines a fundamental set of control-based standard objects for constructing an application. An additional set of information-type standard objects have also been defined for use in conjunction with this set of control-based standard objects. Standard objects are interconnected by "pulling" or "pushing" information from one standard object to another standard object using common communication methods. Assembly objects and application objects are two additional types of user-defined standard objects for interconnecting standard objects. (emphasis added).

In contrast to the conclusion by the Examiner, the above passage discloses the creation of an application for performing a building automation function based on objects. Accordingly, the creation of the application based on objects cannot make up for the limitation of "creating, via the engineering system, corresponding representatives for the designated types", supplied via the objects. Further, Applicants respectfully assert that the above passage is silent with regard to any type of creating via an engineering system, let alone "creating, via the engineering system, corresponding representatives for the designated types" (emphasis added), as claimed in claim 1.

Col. 4, ll. 12-17 of Gloudeman states:

To implement this application metaphor, the architecture for the building automation system is based on a standard set of standard objects which the application engineer has available to construct these applications. Standard objects are grouped according to their primary use at the control layer and information layer of the architecture.

Again, in contrast to the submission by the Examiner, the above passage discloses the creation of an application based on standard objects, which are grouped according to their “primary use at the control layer and information layer”. Accordingly, the creation of the application based on objects cannot make up for the limitation of “creating, via the engineering system, corresponding representatives for the designated types”, supplied via the objects. Further, Applicants respectfully assert that the above passage is silent with regard to any type of creating via an engineering system, let alone “creating, via the engineering system, corresponding representatives for the designated types” (emphasis added), as claimed in claim 1.

Col. 6, ll. 12-20 of Gloudeman states:

Fundamental building automation functions can be modeled from this set of standard objects. The definition of each of these standard object types includes its own unique set of attributes as well as methods for achieving that object type's specific function. A standard object is preferably indivisible, in that it does not consist of any smaller components as far as the application engineer is concerned. In other words, the application engineer is not able to decompose a standard object to create new objects. Each instance of a standard object is designed to reside on a single device. In this regard, the term device includes not only building automation devices (i.e. programmable controllers or sensors), but also any computer-human interfaces provided by the system. Additional details for each of these Standard Objects are described below. (emphasis added).

The above passage further defines the “standard objects” as disclosed by Gloudeman. More specifically, each of the standard objects includes a “set of attributes as well as methods” for performing the object type’s specific function. The above passage further states that each instance of a standard object is “designed to reside on a single device”. However, Applicants respectfully assert that the above passage is silent with regard to any type of creating, via an engineering system, let alone “creating, via the engineering system, corresponding representatives for the designated types” (emphasis added), as claimed in claim 1. Accordingly, Applicants respectfully assert that absent any “creating” step, the above passage cannot make up for the limitation of “creating, via the engineering system, corresponding representatives for the designated types”, as claimed in claim 1.

Further, claim 8 includes “means for creating representatives for the designated types”, which Applicants respectfully assert is also allowable for reasons somewhat similar to that which has been discussed above with regard to claim 1.

***References Fail to Teach or Suggest all of the Limitations of Claims 1  
and 8***

Further, with respect to claims 1 and 8, it appears the Examiner has relied upon the “Access Key Object” (col. 19, ll. 39-45) for the alleged teaching

of the “identifying designation”, as claimed in claim 1. However, Applicants respectfully disagree with the Examiner’s conclusion.

The “Access Key Object”, as disclose by Gloudeman, is a portion of an Operator object assigned to an operator, which dictates access privileges. An Operator object is created and maintained for each individual requiring access to a site through a networked device. Each Operator object maintains an operator’s encrypted password and operator ID required by the user access feature before gaining entry to the system. The Access Key Object allows a site administrator of the system, as disclosed by Gloudeman, to assign specific privileges to specific operators. The Operator objects, and subsequent Access Key Objects, are created, modified, or deleted by a site administrator of the system. Thus, since the “Access Key Object”, is supplied by a site administrator, the “Access Key Object”, cannot make up for the “identifying designation”, as claimed in claim 1, supplied via objects in an automation system.

Accordingly, absent the “identifying designation” supplied via objects in an automation system, Gloudeman clearly cannot teach “creating” of “corresponding representatives for the designated types”, as claimed in claim 1.

Further, as discussed in Applicants previous response the Examiner has acknowledged that Gloudeman fails to teach, “entering a reference to the object,” and has relied upon Fraley for teaching these limitations of claims 1 and 8. However, even assuming *arguendo* that Gloudeman could be combined with Fraley (which Applicants do not admit for the reasons set forth in

Applicants previous response and as further set for below) Fraley still fails to make up for at least the deficiencies of Gloudeman with respect to claim 1. Accordingly, because all the patent documents fail to teach or suggest at least the creating step as recited in claim 1, Applicants assert that the Examiner has failed to establish a proper *prima facie* case of obviousness under 35 U.S.C. §103(a).

Further, claim 8 includes “means for creating representatives for the designated types”, which Applicants respectfully assert is also allowable for reasons somewhat similar to that which has been discussed above with regard to claim 1.

### **Claims 2-7 and 9-25**

With regard to dependent claims 2-7 and 9-25, Applicants respectfully assert that these claims are allowable for at least the reasons as recited above with respect to claims 1 and 8, from which they depend.

Thus, withdrawal of the outstanding rejection is respectfully requested.

### **Response to Examiner's Arguments to Lack of Motivation**

While Applicants agree, “any judgment on obviousness is in a sense necessarily a reconstruction” (see Office Action, dated September 27, 2004, page 3), there still must be some suggestion or motivation either in the references themselves or knowledge generally available to one of ordinary skill in the art to combine reference teachings. However, there is no such

suggestion or motivation in either the Gloudeman or the Fraley reference. The Examiner has relied upon col. 7, ll. 28-52 (of Gloudeman) for the alleged motivation of: "based on the process of object created in the automation system with an application object specifying the connection of objects" (see Office Action, dated September 27, 2004, page 3).

Further, Applicants fail to understand the Examiner's basis for motivation, and also assert that no motivation to combine Gloudeman and Fraley is found in all of Gloudeman or Fraley. The portion of Gloudeman, cited by the Examiner, merely states the purpose or use of the application designed an application engineer, and not any motivation for combining Gloudeman and Fraley. Accordingly, Applicants respectfully assert that the Examiner has failed to provide proper motivation for combining Gloudeman and Fraley, and as such, has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request that this rejection be withdrawn.

**ENTRY OF RESPONSE AFTER FINAL IS PROPER**

Applicants respectfully assert that no amendments have been made by way of this response, and no new issues requiring further search and/or consideration by the Examiner have been raised. Accordingly, Applicants respectfully request entry of this response after final.



### **CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

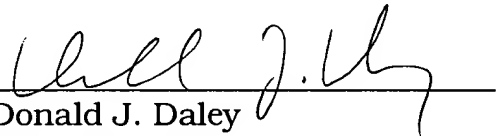
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKY & PIERCE, PLC

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